

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION

FILED  
99 APR 14 PM 3:21  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

LOUIS TOWNSEND,

Petitioner,

vs

STATE OF ALABAMA DEPARTMENT  
OF MENTAL HEALTH AND MENTAL  
RETARDATION, et al.,

Respondent(s).

CIVIL ACTION NO. 98-N-2894-W

ENTERED  
*[Signature]*  
APR 15 1999

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on March 22, 1999, recommending that this petition for writ of habeas corpus be dismissed without prejudice to the petitioner's right to later file another petition after the claims have been properly exhausted in the state court system. No objections have been filed. The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed without prejudice to the petitioner's right to later file another petition after the claims have been properly exhausted in the state court system. An appropriate order will be entered.

DONE, this 14<sup>th</sup> day of April, 1999.

*[Signature]*  
EDWIN L. NELSON,  
UNITED STATES DISTRICT JUDGE

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